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9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN FRA	ANCISCO DIVISION	
11			
12	UNITED STATES OF AMERICA,) No.: CR 3-05-70522	
13	Plaintiff,	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR	
14	v.) PRELIMINARY EXAMINATION) AND EXCLUDING TIME FROM	
15	JING SHAN ZHOU,	SPEEDY TRIAL CALCULATION	
16	Defendant.		
17			
18			
19	With the agreement of the parties, the Court enters this Order vacating the preliminary		
20	hearing on August 18, 2005, setting a new preliminary hearing on September 22, 2005,		
21	documenting Defendant's waiver of the preliminary hearing date until September 22, 2005 under		
22	Federal Rule of Criminal Procedure 5.1, and excluding the time period from August 18, 2005		
23	through September 22, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.		
24	The parties agree, and the Court fin-	ds and holds, as follows:	
25	1. The Court has set a prelimin	eary hearing for August 18, 2005 at 9:30 a.m.	
26	Undersigned defense counsel have received approximately 500 pages of initial discovery in		
27	this case. They require additional time to review the discovery and to meet and confer with the		
28	Defendant. Defense counsel have had a minimal opportunity to meet with the Defendant since		
	STIPLU ATION AND ORDER		

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being retained. The availability of one of the undersigned attorneys has been significantly limited due to a serious illness.

- 2. Given the foregoing facts, the parties request and agree that there is good cause for the preliminary hearing to be reset for September 22, 2005, at 9:30 a.m. The parties stipulate that the time limit for the filing of an information or indictment shall be extended under 18 U.S.C. § 3161(b). The parties further stipulate that the time period from August 18, 2005 through September 22, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).
- 3. Given defense counsel's unavailability and the need for additional time to review discovery and meet with the Defendant, the failure to grant the requested continuance would unreasonably deny the Defendant effective preparation of counsel taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the proposed time period; these ends outweigh the best interest of the public and the Defendant in a speedy trial. See id. § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

DATED:	
	ROBERT HARTMANN STANLEY L. FRIEDMAN
	Attorneys for Defendant Jinh Shan Zhou
DATED: 8/15/05	Don lon
	EDWARD TORPOCO Assistant United States Attorney

STIPULATION AND ORDER CR 3-05-70522

AUG-15-2005 12:46

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being retained. The availability of one of the undersigned attorneys has been signif limited due to a serious illness.

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- Given the foregoing facts, the parties request and agree that there is g 2. for the preliminary hearing to be reset for September 22, 2005, at 9:30 a.m. The par that the time limit for the filing of an information or indictment shall be extended under 18 U.S.C. § 3161(b). The parties further stipulate that the time period from August 18, 2005 through September 22, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).
- Given defense counsel's unavailability and the need for additional time to review 3. discovery and meet with the Defendant, the failure to grant the requested continuance would unreasonably deny the Defendant effective preparation of counsel taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the proposed time period; these ends outweigh the best interest of the public and the Defendant in a speedy trial. See id. § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

8/15/05 DATED:

18 19

DATED: 8/15/05 21

STANLEY L. FRIEDMAN

Attorneys for Defendant Jinh Shan Zhou

EDWARD TORPOCO Assistant United States Attorney

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In light of the foregoing facts, and with the consent of the parties, the Court hereby (1) vacates the preliminary hearing on August 18, 2005, (2) sets a new preliminary hearing date of September 22, 2005, at 9:30 a.m., (3) finds that the Defendant has waived a preliminary hearing until September 22, 2005 under Federal Rule of Criminal Procedure 5.1, and (4) orders that the period from August 18, 2005 through September 22, 2005 be excluded from the Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 15 aug 05

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HON. BERNARD ZIMMERMAN United States Magistrate Judge

STIPULATION AND ORDER (CR 3-04-30439)